THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6307 of 2007

16.4.2007

Between:

Parvathala Subrahmanyam, S/o.Guravaiah
and others

… Petitioners

AND

The District Collector, Nellore District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6307 of 2007

ORDER:

The five petitioners purchased various extents of lands in survey Nos.625/4 and 631/1 situated at Marupuru village of Podalakuru Mandal in Nellore District from Smt.Battala Seshamma under registered sale deeds. The Mandal Revenue Officer, Podalakuru Mandal (MRO), third respondent herein, passed orders on 17.1.2007 under Section 4 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and ordered resumption of the land. Aggrieved by the same, petitioners preferred appeal under Section 4A of the Act before the Revenue Divisional Officer, Nellore (RDO), second respondent herein, and also moved applications for stay of the orders of the MRO. When the applications were pending, they filed W.P.No.3187 of 2007 seeking direction to the appellate authority to pass orders forthwith. Now by proceedings bearing Rc.D.396/2004 to 400/2007 dated 28.2.2007, RDO rejected the applications for stay. Aggrieved by the same, present writ petition is filed.

Learned Counsel for petitioners submits that under Section 4A of the Act, appeal can be filed before RDO within 90 days, but even before expiry of the period of limitation, third respondent took possession of the land. He also submits that the physical possession of the land was not taken though panchanama was drafted to that effect. Therefore, he submits that the impugned order refusing stay is illegal and arbitrary.

It is no doubt true that against the orders of the MRO dated 17.1.2007, petitioners preferred appeals and stay applications on 13.2.2007. Therefore taking up of possession within the period of limitation does not arise. Secondly, rightly or wrongly, on 06.2.2007

possession was taken and the land vested in the Government. Therefore, the RDO was justified in rejecting stay. The submissions that the petitioners are still in possession of the lands and that possession on paper was taken are matters, which cannot be adjudicated in a writ petition. If the petitioners are aggrieved, they may approach the Joint Collector for redressal. This Court observes that the second respondent may dispose of the appeals within a period of three weeks from the date of receipt of a copy of this order. Liberty is given to the petitioners to approach the RDO with a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 16, 2007.

NOTE:

Dispatch order copy by

19.4.2007.

(By order)

YS